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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,444	06/19/2006	Eric Sion	BDL-487XX	9512
207 7590 03/13/2009 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109				
EXAMINER TUROCZY, DAVID P				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
03/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,444

Applicant(s)

SION ET AL.

Examiner

DAVID TUROCY

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 10, 12 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 4/13/07, 9/16/05

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/13/07 and 9/16/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. The examiner has crossed out IDS dated 4/13/07 because the IDS contains duplicate information that was already considered and listed on the prior filed IDS dated 9/16/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 11, 13, 15, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6001419 by Leluan et al, hereafter Leluan in view of US Patent 6210745 by Gaughan et al, hereafter Gaughan and further in view of *Formation of pyrolytic carbon during the pyrolysis of ethane at high conversions*, by Glasier et al., hereafter Glasier.

Leluan discloses a method of controlling or modeling the process of densifying at least one porous substrate with pyrolytic carbon by chemical vapor infiltration, the process comprising: placing a load comprising one or more porous substrates to be densified in an oven; heating the substrate(s); admitting a reaction gas into the oven,

the reaction gas containing at least one carbon-precursor hydrocarbon; adjusting the pressure in the oven so as to enable the gas to diffuse within the pores of the heated substrate(s) so as to form a deposit of pyrolytic carbon therein; and extracting effluent gas from the oven via an extraction pipe connected to an outlet from the oven. Leluan discloses controlling the temperature and pressure in the oven so that deposits are formed, however, the Leluan fails to disclose controlling the process by measuring the contents in the effluent gas. However, Gaughan discloses controlling a vapor deposition process by using a residual gas analyzer can improve real time monitoring of the process (Column 4, lines 10-48), Gaughan discloses improving control can provide benefits including reduced cost and discloses controlling pressure and temperature to control the process (Column 4). Therefore, taking the references collectively, it would have been obvious to one of ordinary skill in the art to have modified Leluan to use analyze the effluent gas to control the process, including gas flow rate, temperature or pressure, to reap the benefits as taught by Gaughan.

Leluan in view of Gaughan fails to disclose measuring the content of allene, propene, and benzene in the effluent, however, Leluan discloses depositing pyrolytic carbon by vapor infiltration using and alkane (Column 1, lines 30-37 and Column 4, lines 40-45), Glasier discloses formation of pyrolytic carbon using ethane discloses benzene is a known product and the amount of benzene in the effluent gas relates to the carbon deposition (figure 1 and 7, page 19, and Table 1). Therefore taking the reference collectively, it would have been obvious to one of ordinary skill in the art to have controlled Leluan in view of Gaughan by measuring the benzene in the

effluent gas because such is taught as a known product of pyrolytic carbon deposition and one would expect predictable control of the process by using residual gas analysis of the benzene.

Claim 2 Glasier discloses the benzene concentration directly relates to the deposition rate and therefore it would have been obvious to have controlled the process to maintain the constant benzene concentration to reap the benefits of constant and controllable deposition rate.

Claim 3: The references fail to disclose a duct parallel to the extraction pipe, however, it is the examiners position that such is merely a design choice and one would reasonably expect successful results in providing such an arrangement in the process as taught by Leluan in view of Gaughan and Glasier.

Claim 4: Glasier discloses that the content is measured by gas chromatography (page 18).

Claim 6: Gaughan discloses controlling the temperature of the chamber to control the process and thus it would have been obvious to control the temperature of the process as a result of the benzene concentration.

Claim 7-8: Leluan discloses propane and methane (column 4, line 40-45).

Claim 9: This is inherent in a control process.

Claim 11: It would have been obvious to store the information as recorded to provide control information for a similar or like process and therefore reaping the benefit of starting with prior obtained information.

Claims 13, 15, 16-18, and 20: The limitations of these claims are discussed above.

4. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leluan in view of Gaughan and Glasier and further in view of *A reduced reaction model for carbon CVD/CVI processes* by Birakayala et al., hereafter Birakayala.

Leluan in view of Gaughan and Glasier discloses controlling the process by adjusting the flow rate of the gases in response to effluent gas concentrations, but fails to disclose measuring the amount of allene and/or propine content. However, Birakayala discloses allene and/or propine are known reaction products during the formation of carbon during a CVI process and therefore taking the references collectively, it would have been obvious to have modified Leluan in view of Gaughan and Glasier to adjust the process parameters in response to the allene and/or propine concentration because Birakayala discloses such is present in measurable quantities in the effluent gas of a CVI carbon densification process.

Allowable Subject Matter

5. Claims 10, 12, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: None of the prior art cited or reviewed by the examiner, alone or in

combination reasonably discloses the end of the densification process is detected by it becoming impossible to control the variation in the measured content by adjusting the selected parameter. Specifically, no prior art reasonably suggests a lack of control of the measure content of benzene, allene and/or propine indicates the end of the claimed densification process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID TUROCY whose telephone number is (571)272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/David Turocy/
Examiner, Art Unit 1792